

RULES
for levying access and use charge, charge for requested and unused capacity, prices for
used services, deadlines and payment method

I. General

These rules regulate the relations between the infrastructure manager (IM) – in this case the SE NRIC – and a Railway Undertaking (RU) in connection with the levying of an access and use charge, charge for requested and unused capacity and prices for used services related to the train traffic and capacity management, as well as the deadlines and the method of their payment.

1. The access and use charge including the charge for passing through and the charge for use of the traction electrical supply equipment do not depend on the train type and are equal for all railway lines of the railway infrastructure. The pass-along charge depends on the actually run kilometers and the measurement units are gross ton kilometers and train kilometers. The charge for use of traction electrical supply equipment depends on the actually allocated and used electricity in megawatt hours (MWh) of the respective train number.

2. The charge for requested and unused capacity is paid to the SE NRIC by the RU, expressed in train kilometres. The charge is paid for the dates, days or periods of non-use of the requested capacity, expressed in train kilometres, depending on the prepared and signed “List of Regular Trains” and respective train numbers.

3. In case the path and its corresponding train number are used only in part of the route, the railway pays the SE NRIC the charge under item 2 for the part of the unused route, expressed in train kilometres.

4. The charge under items 2. and 3. is not paid by the RU in case the non-use of the requested capacity is due to the SE NRIC, as in the cases under Section II, item 2.

5. The due access and usage charge shall be paid by the 15th of the month following the month for which it is due by the invoices issued by the NRIC.

6. For the due access and use charge, the charge of requested and unused capacity and the amounts due for services related to the traffic and capacity management, the SE NRIC shall prepare a protocol(s) in two copies, one for each Party.

7. After the procedures set out in Sections II and III, the protocol(s) prepared under item 6 shall be sent for signing by the SE NRIC to the RU via mail or courier.

8. Depending on the needs of the Parties in compliance with the procedure of the present rules, one protocol could include more than one of the services, for which the respective charges and prices are due.

9. No access and use charge is collected for the traffic of the restoration and fire safety trains or locomotives determined for restoration of the discontinued train traffic and in case of natural calamities for particular areas of the country, as well as for grass-removing and scale trains.

10. For acceleration of the process of signing the protocol(s) by the parties under Sections II and III, it (they) might be submitted by hand. In this case upon provision and signing of the protocol by both parties the date of submission and the date of signing by the counterpart shall be entered. For this purpose a take over protocol shall be prepared and signed by both parties.

11. For RUs with an address of management that does not allow the observation of the deadlines under Sections II and III, it is allowed upon an additional agreement to exchange and sign the protocol(s) by fax. The originals of the protocols shall be sent to the RU and returned by the RU via mail or courier.

12. In case of disagreement on the part of the RU with the protocol(s), prepared by the SE NRIC, the RU shall sign it by entering its reasons for disagreement.

II. The procedure of reporting and determination of the due charge for access and use and the charge for requested and unused capacity.

1. Annually, by **15 November**, the SE NRIC and the RU shall prepare and sign a list of the routes approved in the Train Timetable and their corresponding train numbers for all categories of trains. The mode of use of every train operating along these paths shall be stated – daily, for (a) specific period(s) (from date to date) for (a) specific day(s) or date(s).

2. Monthly, by the **17th day** of the current calendar month, the RU shall state to the Train Traffic and Capacity Management Unit at the SE NRIC the necessity for cancellation of capacity allocated with TT for the next calendar month and/or until a date specified by the RU. The request shall be in the form of a list, in which the train numbers and the order for their use are stated.

3. By the **20th day** of the month, the Train Traffic and Capacity Management Unit at the SE NRIC shall prepare a list of the approved requests under item 2 for changes and/or additions to the list under item 1, related to the necessity of its change in accordance with the requests under items 2 and 6 and provides it to the RU.

4. By the **25th day** of the month, the RU shall sign and return to the Train Traffic and Capacity Management Unit at the SE NRIC the prepared list under item 3 containing the satisfied changes and/or additions to the list under item 1.

5. If nothing else is mentioned after the month expires, the schedule for use of the paths and their corresponding train numbers shall be in accordance with the initially established list under item 1.

6. If necessary, depending on the irregularity, the nature and the necessity of additional transportation, some additional paths in the TT may be also requested in accordance with the specified deadlines, and for this purpose upon submission of the request for development, the parameters and the regime of use should be provided as well.

7. According to the list under item 1 and the approved changes and/or supplements under item 4, a report on the due charge for requested and unused capacity for each calendar month is prepared.

8. The regional units of Train Traffic and Capacity Management Division shall prepare a detailed daily report on the requested and unused capacity for trains, which are approved and additionally/operationally determined and which did not move during the last reported day.

9. After the completion of the reported day, the regional units of the Train Traffic and Capacity Management division shall send via e-mail to the official e-mail specified by the RU, a detailed report under item 8 for verification.

10. Within **2 (two) days** after sending the report on the reported day, the RU shall confirm or set out its justified remarks regarding the discrepancies of the data of the sent detailed reference statement.

11. The confirmation or justified remarks under item 10 shall be sent by the RU to the e-mail, from which the reference statement has been sent.

12. The reference statements on the non-working days under item 8 shall be sent on the first working day following the non-working days.

13. When the RU does not observe the deadline for calculation of the charge due for requested and unused capacity, set out in item 10, the data from the reference statements sent by the SE NRIC according to item 9 shall be taken into account.

14. According to item 10 and item 13, the regional units of the Train Traffic and Capacity Management Division shall prepare a summarized monthly reference statement on the capacity, declared and not used by the RU.

15. Until the **3rd day** of the month following the month of the reference statement, a summarized report on the declared and unused capacity shall be sent by the regional units of the Train Traffic and Capacity Management Division to the RU for agreement and signing. The RU shall sign and return a summarized reference statement not later than **2 (two) days** after its submission.

16. The pass-along charge due shall be calculated by the Train Traffic and Capacity Management Division at the SE NRIC after completion of the reported month according to a report on the actual train and gross ton kilometer operation realised during the month.

17. The Train Traffic and Capacity Management Division shall prepare and send daily via e-mail to an address, specified by the RU, a detailed report on the train operation realized for the last day.

18. Within **3 (three) days** after sending of the report on the realized train operation the RU shall confirm or shall set out its justified remarks regarding the discrepancies of the work reported in the sent report.

19. The confirmation or justified remarks under item 17 shall be sent by the RU to the e-mail, from which the report has been sent.

20. The reports under item 17 for the non-working days shall be sent in the first working day following the non-working days.

21. When the RU does not observe the deadline for calculation of the railway infrastructure usage charge, set out in item 18, the data from the reports sent by the SE NRIC according to item 17 shall be taken into account.

22. Until the 7th day of the month following the month, for which it is due:

22.1. The Train Traffic and Capacity Management Division and Electricity Distribution Unit at the SE NRIC shall prepare and send via the official e-mail of the RU, approved for communication between both parties, protocol(s) for the generated train kilometers, gross ton kilometers, actually allocated and used electricity, as well as the respective due amounts for access and use;

22.2. The Train Traffic and Capacity Management Division of the SE NRIC shall prepare and send a protocol on the requested and unused capacity and the amounts due for it to the official e-mail, determined for communication between the Parties.

23. Within **3 (three) days** as of the receipt of the Protocol/s under item 23, the RU shall send to the official e-mail of the SE NRIC, as agreed by the Parties for official correspondence, a confirmation about the content of the latter and if there are some objections, it shall set them out together with the respective justification.

24. Based on the confirmation pursuant to Art. 24, within **2 (two) days**, the SE NRIC shall issue the RU an invoice for the charges due.

25. Should after issuance of the invoice the Parties find some errors or discrepancies regarding the due charges stipulated in the signed protocol, a new protocol has to be prepared for the detected differences and on its grounds a debit/credit note should be issued.

III. Deadline and payment method for the prices payable for services under Section III, item 4 of the price list, related to trains and capacity management.

1. The prices due for services under section III, item 4 of the price list, which are related to the Train Traffic and Capacity Management shall be determined with a model report of the SE NRIC after completion of the month of report based on used services related to the train traffic and capacity management (preparation and/or correction of a train timetable beyond the annual request for capacity and assignment of trains with a dispatching order) for the previous month.

2. The regional units and Train Traffic and Capacity Management Division shall prepare a daily detailed report on the prepared and/or corrected train timetables beyond the annual request and detailed statement reference on the trains assigned with a dispatching order. Until **2 (two) days** after preparation of the statement reference the regional structures and Train Traffic and Capacity Management Division shall send it for verification to the official e-mail of the RU.

3. Within **2 (two) days** after sending of the detailed reference statement for each type of service the RU shall confirm or shall set out its justified remarks regarding the discrepancies of the data of the sent detailed reference statement.

4. The confirmation or justified remarks under item 3 shall be sent by the RU to the e-mail, from which the reference statement has been sent.

5. The reports under item 2 on the non-working days shall be sent on the first working day following the non-working days.

6. When the RU does not observe the deadline in item 3 for calculation of the amounts due for the requested and not used services, the data from the reports sent by the SE NRIC according to item 2 will be taken into account

7. According to item 4 the regional units and Train Traffic and Capacity Management Division shall prepare summarized reports on the prepared and/or corrected train timetables beyond the annual request for capacity and summarized reports on the trains assigned with a dispatching order for each RU.

8. Until the **5th day** of the month following the month of the report, a summarized reference statement on the used services (preparation and/or correction of a timetable beyond the annual request for capacity and assignment of trains with a dispatcher's order) for the previous month will be sent by the regional units and Train Traffic and Capacity Management Division to the RU for agreement and signing. The RU shall sign and return a summarized reference statement on each type of service not later than **2 (two) days** after its submission.

9. Until the **7th day** of the month following the month of the report the Train Traffic and Capacity Management Division of the SE NRIC shall prepare and send to the official e-mail of the RU, a protocol for each service and for the respective amount charged.

10. Within **3 (three) days** as of the receipt of the Protocol/s under item 9, the RU shall send to the official e-mail of the SE NRIC, as agreed by the Parties for official correspondence, a confirmation about the content of the latter and if there are some objections, it shall set them out together with the respective justification.

11. Within **2 (two) days** after confirmation of the protocol the SE NRIC shall issue the RU an invoice for the amounts due.

12. Should after issuance of the invoice the Parties find some errors or discrepancies regarding the due charges stipulated in the signed protocol, a new protocol has to be prepared for the detected differences and on its grounds a debit/credit note should be issued.

IV. Use and payment of services under items 2, 3 and 4 of Annex N 1 of Ordinance 41 for access and use of the railway infrastructure.

The use and payment by the RU of services under items 2, 3 and 4 of Annex N 1 of Ordinance N 41 for access and use of the railway infrastructure are subject to a different contract.

V. Use and payment of services under a price list of the SE NRIC, except the ones set out in item III of the present Rules.

The use and payment by the RU of services under the price list are subject to a different contract.

VI. Use and payment of a price of the distribution of traction electricity through the distribution networks of the SE NRIC.

Use and payment of a price of the distribution of traction electricity through the distribution networks of the SE NRIC are subject to a different contract.